

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (RCC)
ECF Case

This document relates to: *Federal Insurance Co., et al v. al Qaida, et al.*
03 CV 06978 (RCC)

**AFFIDAVIT IN SUPPORT OF REQUEST FOR ISSUANCE OF
CLERK'S CERTIFICATE OF DEFAULT**

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF PHILADELPHIA)

J. Scott Tarbutton, being duly sworn, deposes and says:

1. I am an attorney admitted to practice *pro hac vice* in the above captioned matter, and a member of the law firm Cozen O'Connor. I am familiar with the facts and circumstances in this action.
2. I make this affidavit pursuant to Rules 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of Plaintiffs' application for the entry of default against defendants, the Islamic Republic of Iran ("Iran"), the Republic of Sudan ("Sudan"), and the Syrian Arab Republic ("Syria").
3. This is an action to recover damages owed by defendants to Plaintiffs for injuries resulting from the terrorist attack upon the United States of September 11, 2001 (the September 11th Attack). Defendants Iran, Sudan, and Syria have been sued based on their participation in a conspiracy to commit acts of international terrorism against the United States, its nationals and allies, of which the September 11th Attack was a direct,

intended and foreseeable product. *See Federal Insurance First Amended Complaint ¶¶ 509-535.*

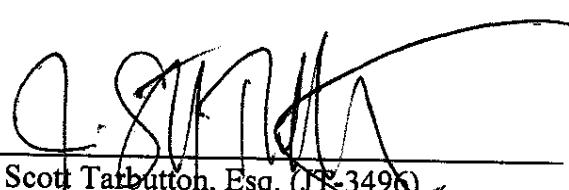
4. Jurisdiction of this Court over defendants Iran, Sudan and Syria is invoked pursuant to 28 U.S.C. § 1330, as the claims against those defendants fall within the exceptions to immunity set forth at 28 U.S.C. §§ 1605(a)(2), 1605(a)(5) and 1605(a)(7) (Foreign Sovereign Immunities Act).
5. This action was commenced on September 10, 2003 by the filing of the Summons and Complaint. The First Amended Complaint and Summons were filed on March 10, 2004. Defendants Iran, Sudan, and Syria were served with a copy of the First Amended Complaint and Summons, in accordance with the FSIA, as set forth below.
6. Service was effectuated on defendant Iran through diplomatic channels by the United States Department of State on December 7, 2004. True and correct copies of the Return of Service and supporting U.S. Department of State documents are attached to the Affidavit of Service as Exhibit A.
7. Service was effectuated on defendant Sudan through diplomatic channels by the United States Department of State on November 30, 2004. True and correct copies of the Return of Service and supporting U.S. Department of State documents are attached to the Affidavit of Service as Exhibit B.
8. Service was effectuated on defendant Syria by international registered mail, return receipt requested, transmitted by J. Michael McMahon, Clerk of the Court of the Southern District of New York on June 4, 2004, which was received and accepted by the Syrian Ministry of Foreign Affairs on June 15, 2004. True and correct copies of the Certificate

of Mailing and Return Receipt for International Mail are attached to the Affidavit of Service as Exhibit C.

9. Defendants Iran, Sudan, and Syria have not answered or otherwise responded to the First Amended Complaint and the time for the defendants to answer or otherwise respond to the First Amended Complaint has expired.
10. Plaintiffs request a Clerk's Certificate of Default, which is attached hereto, to provide to Judge Richard C. Casey in connection with a Motion for Default pursuant to F.R.C.P. 55.

WHEREFORE, the Plaintiffs in *Federal Insurance Co. v. al Qaida*, 03-CV-6978 (RCC), respectfully request a Certificate of Default against defendants, the Islamic Republic of Iran, the Republic of Sudan, and the Syrian Arab Republic.

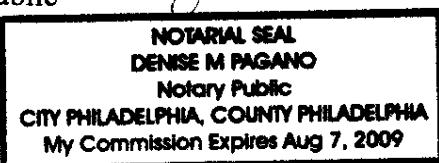
Dated: Philadelphia, Pennsylvania
September 8, 2005



J. Scott Tarbutton, Esq. (JR-3496)
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Tel: (215) 665-2000

Sworn to before me this 8th
day of Sept., 2005.

Denise M. Pagano
Notary Public



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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

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CLERK'S CERTIFICATE OF DEFAULT

I, J. MICHAEL MCMAHON, Clerk of the United States District for the Southern District of New York ("SDNY"), do hereby certify that this action was commenced on September 10, 2003 with the filing of the Summons and Complaint, and the First Amended Complaint and Summons were filed on March 10, 2004. The First Amended Complaint and Summons were served on defendants, the Islamic Republic of Iran, the Republic of Sudan, and the Syrian Arab Republic as follows:

Service was effectuated on defendant, the Islamic Republic of Iran, through diplomatic channels by the U.S. Department of State on December 7, 2004. Proof of such service was transmitted to the SDNY Chief Deputy Clerk Joseph LaMura by the U.S. Department of State on January 13, 2005 and was filed by the Plaintiffs on September 8, 2005.

Service was effectuated on defendant, the Republic of Sudan, through diplomatic channels by the U.S. Department of State on November 30, 2004. Proof of such service was transmitted to the SDNY Chief Deputy Clerk Joseph LaMura by the U.S. Department of State on December 10, 2004 and was filed by the Plaintiffs on September 8, 2005.

Service was effectuated on defendant, the Syrian Arab Republic, by international registered mail, return receipt requested, transmitted by J. Michael McMahon, Clerk of the Court of the Southern District of New York on June 4, 2004, which was received and accepted by the Syrian Ministry of Foreign Affairs on June 15, 2004. The U.S. Postal Service Return Receipt for

International Mail was transmitted to the SDNY Clerk of the Court and was filed by the Plaintiffs on September 8, 2005.

I further certify that the docket entries indicate that defendants Islamic Republic of Iran, the Republic of Sudan, and the Syrian Arab Republic, have not filed an answer or otherwise moved with respect to the First Amended Complaint herein. The default of the aforesaid defendants is hereby noted.

Dated: New York, New York
September ___, 2005

J. MICHAEL MCMAHON
Clerk of the Court

By: _____
Deputy Clerk

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